

### **REMARKS**

Claims 1-23 and 25 are all of the claims pending in the application. By this Amendment, applicant hereby amends claims 3 and 17-19 to cure minor informalities and to further clarify the invention.

#### **I. Summary of the Office Action**

The Examiner objected to the drawings and the specification. The Examiner rejected claims 17-21 under 35 U.S.C. § 101 and 35 U.S.C. § 112, first paragraph. The Examiner rejected claims 3-6, 14, and 18 under 35 U.S.C. § 112, second paragraph. The Examiner rejected claims 1-23 and 25 under 35 U.S.C. § 103(a).

#### **II. Objection to the Drawings**

The Examiner objected to the drawings because they allegedly fail to clearly show the distinction between the coupler 1 and the telephone exchange. Specifically, the Examiner alleges that it is unclear from FIG. 1 what the distinction is between the coupler 1 and the telephone exchange (PABX, circuit switch).

Applicant respectfully disagrees. Applicant respectfully submits that a person of ordinary skill in the art would understand the various elements shown in FIG. 1, particularly in light of the description in the specification, for example, at page 4, line 16 through page 6, line 4 of the specification. That is, the coupler 1 is part of the telephone exchange. Applicant respectfully requests that the Examiner withdraw the objection to the drawings.

#### **III. Objection to the Specification**

The Examiner objected to the specification as failing to provide proper antecedent basis for the claimed "computer readable medium" of claims 17-21.

Applicant respectfully disagrees. Applicant respectfully submits that the claimed computer readable medium is explicitly, implicitly, or inherently disclosed in the specification. For example, the specification discloses various transmission protocols (*see* page 4, lines 28 to 37 of the specification), accessing a signaling channel and producing a signaling configuration (*see* page 5, line 32 to page 6, line 33 of the specification), and an interpreter module 14 which is capable of running a program in FIG. 2 (*see* page 5, lines 1 to 18 of the specification). It is well known in the art that programs are executed by a computer reading program instructions from a computer readable medium storing instructions and that data is stored to a computer readable medium storing instructions.

Furthermore, Applicant respectfully submits that computer readable medium is a term with a meaning that is well-known to a person of ordinary skill in the art. Accordingly, Applicant respectfully requests that the Examiner withdraw the objection to the specification.

IV. Claim Rejections under 35 U.S.C. § 101

Claims 17-21 are rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. Applicant hereby amends claims 17-19 to recite, *inter alia*, “a tangible computer readable medium.” Applicant respectfully submits that signals are not tangible. Accordingly, Applicant respectfully submits that claims 17-19 and dependent claims 20 and 21 are directed to statutory subject matter. Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 101 rejection of claims 17-21.

V. Claim Rejections under 35 U.S.C. § 112, First Paragraph

Claims 17-21 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Specifically, the Examiner alleges that the

specification does not provide support for the claim feature, “a computer readable medium storing instructions.” Applicant respectfully disagrees.

To comply with the written description requirement of 35 U.S.C. § 112, first paragraph, each claim limitation must be supported in the originally filed disclosure. But that support need not be explicit. It is sufficient to show that “a person of ordinary skill would have understood, at the time the patent application was filed, that the description requires that limitation.” *See Hyatt v. Boone*, 146 F.3d 1348, 1353 (Fed. Cir. 1998). And that which is well known in the art need not be taught in the patent. *See Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1384 (Fed. Cir. 1986).

The computer readable medium storing instructions recited in claims 11-15 is explicitly, implicitly, or inherently disclosed in the application as filed. For example, the specification discloses various transmission protocols (*see* page 4, lines 28 to 37 of the specification), accessing a signaling channel and producing a signaling configuration (*see* page 5, line 32 to page 6, line 33 of the specification), and an interpreter module 14 which is capable of running a program in FIG. 2 (*see* page 5, lines 1 to 18 of the specification).

A person of ordinary skill in the art would understand that a computer readable medium storing instructions is explicitly, implicitly, or inherently disclosed in the specification. That is, the specification either explicitly discloses a computer readable medium storing instructions, or a person of ordinary skill in the art would have understood, at the time the application was filed, that the description requires the computer readable medium storing instructions limitation. It is well known in the art that programs are executed by a computer reading program instructions from a computer readable medium storing instructions and that data is stored to a computer readable medium storing instructions.

Accordingly, Applicant respectfully submits that a computer readable medium storing instructions is adequately supported by the originally filed disclosure and respectfully requests that the Examiner withdraw the 35 U.S.C. § 112, first paragraph rejection of claims 17-21.

VI. Claim Rejections under 35 U.S.C. § 112, Second Paragraph

Claims 3-6, 14, and 18 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Applicant hereby amends claims 3 and 18 for purposes of clarity. Applicant respectfully submits that claims 3 and 18, and dependent claims 4-6 and 14, are definite. Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 112, second paragraph rejection of claims 3-6, 14, and 18.

VII. Claim Rejections under 35 U.S.C. § 103(a)

Claims 1-23 and 25 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,324,280 to Dunn et al. (hereinafter "Dunn") in view of U.S. Patent No. 5,675,634 to Park (hereinafter "Park"). Applicant respectfully traverses this rejection and respectfully requests the Examiner to reconsider this rejection at least in light of the comments which follow.

Turning first to independent claim 1, the Examiner alleges that Dunn discloses "an interpreter producing a signaling configuration upon receiving an order to send a signaling message, wherein a type of signaling channel is selected from the signaling channels accessible to the coupler and the signaling configuration produced depends on the selected type of signaling channel," as recited, *inter alia*, in claim 1. Applicant respectfully disagrees.

Instead of selecting a type of signaling channel from the signaling channels accessible to the coupler, according to Dunn, signaling is accomplished via the CCS7 network (*see* col. 4, lines 14-18 and lines 41-43 of Dunn). Accordingly, Dunn does not disclose that the signaling configuration produced depends on the selected type of signaling channel. Dunn is silent regarding the selection of a type of signaling channel or any differences in configuration depending on a selected type of signaling channel.

The Examiner alleges that “[Dunn] determines whether to route the call either over the Internet or the toll network based on the analysis, and then generates appropriate call setup signaling (configuration) for either the toll network (conventional call setup) or the Internet (IAM message),” pointing to col. 4, lines 5-18 of Dunn (*see* page 7 of the Office Action). Applicant respectfully disagrees.

Instead, according to Dunn, the terminating toll access switch is first informed of a call by receiving an IAM message over the CCS7 network, and it is determined whether or not an Internet connection has been selected based on the presence or absence of an IP address in the IAM message (*see* col. 4, lines 50-58 of Dunn). Applicant respectfully submits that the presence or absence of an IP address does not represent a difference in signaling channels; instead, both IAM messages including an IP address and not including an IP address are sent over the CCS7 network. Thus, Dunn does not teach or suggest an interpreter producing a signaling configuration upon receiving an order to send a signaling message, wherein a type of signaling channel is selected from the signaling channels accessible to the coupler and the signaling configuration produced depends on the selected type of signaling channel.

Furthermore, Dunn does not disclose “an interpreter producing a signaling configuration upon receiving an order to send a signaling message [...] wherein the order is a predetermined constant character string,” as recited, *inter alia*, in claim 1.

According to the Examiner, “Dunn teaches a processor 5 (interpreter) of switch 1 of Figure 1 that receives a request (order) to establish a connection from originating station 25, analyzes the digits of the call request...,” pointing to col. 4, lines 5-18 of Dunn (*see* page 6 of the Office Action). Further according to the Examiner, “Dunn also teaches the call origination containing dialed digits (string),” pointing to col. 3, lines 18-21 and col. 4, lines 5-8 of Dunn (*see* page 7 of the Office Action).

Instead of teaching an interpreter producing a signaling configuration upon receiving an order to send a signaling message, where the order is a predetermined constant character string, according to Dunn, dialed information, such as one or more preliminary digits or symbols, can be used to specify that a particular call or series of calls are to be routed over the Internet, or are to be routed over the telephone network (*see* col. 3, lines 18-21 of Dunn). Additionally, according to Dunn, the toll access switch analyzes the digits of the call and then makes the decision of how to route the call (*see* col. 4, lines 5-10 of Dunn).

A person of ordinary skill in the art would understand that the dialed information (digits of the call) disclosed by Dunn are neither predetermined nor constant. A person of ordinary skill in the art would further understand that this dialed information (digits of the call) is dynamic and different depending on the number being called. Thus, Dunn does not teach or suggest an interpreter producing a signaling configuration upon receiving an order to send a signaling message, wherein the order is a predetermined constant character string.

Additionally, Dunn does not teach or suggest “a circuit switch comprising [...] a receiver for adding a receive flag to a received signaling message.” On page 6 of the Office Action, the Examiner identifies the originating switch 1 according to FIG. 1 of Dunn as the same as the circuit switch recited in claim 1. But on page 7 of the Office Action, the Examiner points to the terminating toll switch 2, which returns an IAM acknowledgment containing the same call ID as well as an added field which the Examiner alleges is the same as the receive flag. The Examiner alleges that the terminating toll switch 2 is the same as the receiver. Applicant respectfully disagrees.

The originating switch 1 clearly does not comprise the terminating toll switch 2 (*see* FIG. 1 of Dunn). Accordingly, even if, *arguendo*, the circuit switch is the same as the originating switch 1 and the receiver is the same as the terminating toll switch 2, though Applicant adamantly disagrees that this is the case, Dunn does not disclose that the circuit switch comprises the receiver; instead, the circuit switch and receiver are separate. Thus, Applicant respectfully submits that Dunn does not teach or suggest a circuit switch comprising a receiver for adding a receive flag to a received signaling message.

For at least the aforementioned reasons, Applicant respectfully submits that claim 1 is patentable over Dunn. The disclosure of Park does not cure the above-noted deficiencies of Dunn. Accordingly, Applicant respectfully submits that claim 1 is patentable over Dunn and Park. Independent claims 3, 9, 15, and 17-19 recite features similar to, although not necessarily coextensive with, the features discussed above with respect to claim 1. According, Applicant respectfully submits that claims 3, 9, 15, and 17-19 are patentable over Dunn and Park at least for the reasons discussed above with respect to claim 1. Applicant respectfully submits that

claims 2, 4-8, 10-14, 16, 20-23, and 25 are patentable over Dunn and Park at least by virtue of their dependency on claims 1, 3, 9, 15, 17, or 19.

VIII. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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